

**AGENDA**



**Recommendation for Council Action**

Austin City Council	<b>Item ID</b>	44933	<b>Agenda Number</b>	27.
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<b>Meeting Date:</b>	5/21/2015	<b>Department:</b>	Development Services
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**Subject**

Set a public hearing to consider a request by Tiny Boxwoods LLC d/b/a Tiny Boxwoods, located at 1503 W. 35th St., for a waiver of the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school.(District 10). (Suggested date and time: June 18, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**Amount and Source of Funding**

**Fiscal Note**

<b>Purchasing Language:</b>	
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<b>Prior Council Action:</b>	
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<b>For More Information:</b>	Viktor Auzenne, Development Services Department, (512) 974-2941.
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<b>Council Committee, Boards and Commission Action:</b>	
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<b>MBE / WBE:</b>	
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<b>Related Items:</b>	
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**Additional Backup Information**

The owner of Tiny Boxwoods at 1503 W. 35<sup>th</sup> St., requests a waiver of the minimum distance requirement of 300 feet in City Code Section 4-9-4(A) because it intends to sell alcoholic beverages at this location, which is 211 feet to the north of Bryker Woods Elementary School at 3309 Kerbey Ln.

City Code Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or the inefficient use of land or other resources;
- (3) creates an undue hardship on the applicant;
- (4) does not serve its intended purpose;
- (5) is not effective or necessary; or
- (6) for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.